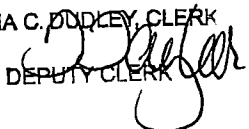


FEB 08 2016

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

MARKHAM ANDREW BURKE,	)	CASE NO. 7:13CV00380
	)	
Petitioner,	)	
v.	)	FINAL ORDER
	)	
	)	
HAROLD CLARKE, DIRECTOR,	)	By: Glen E. Conrad
	)	Chief United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the motion to dismiss (ECF No. 12) is **GRANTED** on the ground of procedural default; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 8<sup>th</sup> day of February, 2016.

  
\_\_\_\_\_  
Chief United States District Judge